

## Committee Agenda

Committee: Senate Health and Human Services  
Room: 412  
Date: Wednesday, February 10, 2010  
Time: 7:45 AM

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Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

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[SB 96](#)      **provide for the registration of certified professional midwives.**  
Senators Rhoden, Bradford, Fryslie, Maher, Nesselhuf, and Schmidt and Representatives Hunt, Brunner, Dennert, Elliott, Feickert, Frerichs, Greenfield, Hoffman, Iron Cloud III, Jensen, Killer, Kirkeby, Kopp, Krebs, Lederman, Noem, Nygaard, Olson (Betty), Schrempp, Sly, Steele, Thompson, Verchio, and Wink

[SB 107](#)      **provide for the practice and regulation of licensed midwives.**  
Senators Rhoden, Bradford, Fryslie, Maher, Nesselhuf, and Schmidt and Representatives Hunt, Brunner, Dennert, Elliott, Feickert, Frerichs, Greenfield, Hoffman, Iron Cloud III, Jensen, Killer, Kirkeby, Kopp, Krebs, Lederman, Noem, Nygaard, Olson (Betty), Schrempp, Sly, Steele, Thompson, Verchio, and Wink

[SB 152](#)      **provide procedures by which adopted persons may obtain their original birth certificates and the contact preference of birth parents.**  
Senators Adelstein, Jerstad, and Merchant and Representatives Lederman, Feinstein, Lust, McLaughlin, and Sly

[SB 160](#)      **allow certain local governments to participate in the state health insurance plan.**  
Senators Garnos, Kloucek, and Olson (Russell) and Representatives Van Gerpen, Fargen, Juhnke, and Krebs

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

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STANFORD M. ADELSTEIN, Chair

## Committee Agenda

Committee: Senate Local Government  
Room: 423  
Date: Wednesday, February 10, 2010  
Time: 10:00 AM

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[SB 79](#)      **revise certain format requirements relating to real estate documents to be filed with the register of deeds.**

Senators Rhoden and Tieszen and Representatives Conzet, Brunner, Deadrick, Engels, Kirkeby, Lust, Moser, Rounds, and Wink

[SB 118](#)      **allow the register of deeds to electronically preserve certain documents.**

Senators Gant, Abdallah, Gillespie, Maher, Nelson, Tieszen, and Turbak Berry and Representatives Rausch, Cronin, Cutler, Engels, Fargen, Feickert, Frerichs, Kirkeby, Lederman, Olson (Betty), Rave, Romkema, Schlekeway, and Turbiville

[SB 141](#)      **establish certain provisions regarding documents or instruments filed with the register of deeds that may contain personally identifiable information.**

Senators Gant, Bartling, Brown, Gillespie, Knudson, Turbak Berry, and Vehle and Representatives Rausch, Bolin, Cronin, Fargen, Frerichs, Lust, Olson (Betty), Pitts, and Schlekeway

[SB 109](#)      **revise certain provisions concerning the deposit of county funds related to the 24/7 sobriety program.**

Senators Gillespie, Abdallah, Brown, Gant, Maher, Nelson, Olson (Russell), Tieszen, and Turbak Berry and Representatives Schlekeway, Cronin, Cutler, Engels, Fargen, Feickert, Frerichs, Kirkeby, Lederman, Olson (Betty), Rave, Romkema, and Turbiville

### BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

[SB 101](#)      **authorize certain school districts to conduct pilot school board elections during 2011 using voting centers and electronic records.**

Senators Gant, Brown, Gillespie, Miles, and Olson (Russell) and Representatives Kirkeby, Cronin, Curd, Engels, Feinstein, Hamiel, Novstrup (David), and Schlekeway

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JASON M. GANT, Chair

## Committee Agenda

Committee: Senate State Affairs  
Room: 414  
Date: Wednesday, February 10, 2010  
Time: 10:00 AM

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### CONFIRMATION TO THE SOUTH DAKOTA LOTTERY COMMISSION

Reappointment of Kory Menken, Union County, Dakota Dunes, South Dakota

Reappointment of Dick Werner, Beadle County, Huron, South Dakota

#### [SB 76](#)

##### **revise the composition of the State Veterans' Commission.**

Senators Turbak Berry, Abdallah, Adelstein, Bradford, Brown, Dempster, Fryslie, Gray, Heidepriem, Jerstad, Knudson, Maher, Nesselhuf, Novstrup (Al), and Vehle and Representatives Turbiville, Brunner, Faehn, Gosch, Hunhoff (Bernie), Iron Cloud III, Lust, Nygaard, Solberg, Solum, and Thompson

#### [SB 150](#)

##### **provide for an interim study of the potential creation of a Department of Veterans Affairs as a cabinet-level department.**

Senators Gillespie, Abdallah, Ahlers, Bradford, Hanson (Gary), Heidepriem, Jerstad, and Knudson and Representatives Thompson, Blake, Hunhoff (Bernie), Schrempp, Solberg, and Steele

#### [SB 137](#)

##### **nullify certain federal health care laws within the state of South Dakota.**

Senators Howie, Abdallah, Adelstein, Bradford, Brown, Fryslie, Gant, Gray, Haverly, Nelson, Novstrup (Al), Rhoden, and Schmidt and Representatives Brunner, Kopp, Russell, and Verchio

#### [SB 142](#)

##### **prohibit certain business entities and affiliated persons from making political campaign contributions to state officeholders or candidates if the business entity does contractual business with certain state agencies.**

Senators Heidepriem, Abdallah, Bartling, Gillespie, Hanson (Gary), Hundstad, Jerstad, Miles, Nesselhuf, and Peterson and Representatives Hunhoff (Bernie), Blake, Burg, Dennert, Elliott, Engels, Feickert, Feinstein, Frerichs, Gibson, Hamiel, Iron Cloud III, Killer, Kirkeby, Kirschman, Lange, Lucas, Schrempp, Sly, Solberg, Sorenson, Street, Thompson, Van Gerpen, Vanderlinde, and Wismer

#### [SB 165](#)

##### **prohibit certain corporate contributions to political causes or candidates without shareholder approval.**

Senators Heidepriem and Hanson (Gary) and Representatives Thompson and Hunhoff (Bernie)

#### [SB 170](#)

##### **provide for legislative redistricting by a bipartisan, nonlegislative commission.**

Senators Turbak Berry, Abdallah, Hanson (Gary), and Heidepriem and Representatives Thompson, Engels, Feinstein, Gibson, Hunhoff (Bernie), Kirkeby, Lederman, Lucas, and Sorenson

#### [SJR 3](#)

##### **Proposing and submitting to the electors at the next general election an amendment to Article VI of the Constitution of the State of South Dakota, relating to the right of individuals to vote by secret ballot.**

Senators Knudson, Abdallah, Adelstein, Brown, Dempster, Fryslie, Gant, Garnos, Gray, Hansen (Tom), Haverly, Howie, Hunhoff (Jean), Nelson, Novstrup (Al), Olson (Russell), Rhoden, Schmidt, Tieszen, and Vehle and Representatives Faehn, Boomgarden, Brunner, Carson, Conzet, Deadrick, Greenfield, Hamiel, Juhnke, Kirkeby, Krebs, Lust, Moser, Novstrup (David), Olson (Betty), Olson (Ryan), Putnam, Rausch, Rave, Romkema, Rounds, Tidemann, Turbiville, and Van Gerpen

85<sup>th</sup> Legislative Session – 2010

Committee: Senate Taxation

Wednesday, February 10, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

P Adelstein  
P Howie  
P Jerstad  
P Maher  
P Merchant  
P Nelson  
P Peterson  
P Fryslie, Vice-Chair  
P Hansen (Tom), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by chair, Tom Hansen.

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 3, 2010

Moved by: Jerstad  
Second by: Adelstein  
Action: Prevailed by voice vote.

SB 171: create an additional classification of real property and provide for its assessment and to revise certain provisions concerning the taxation of such property.

Presented by: Senator Jim Peterson  
Proponents: Michael Kenyon, Department of Revenue and Regulation  
Opponents: Dean Krogman, SD Association of Realtors

MOTION: DEFER SB 171 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Howie

Second by: Adelstein  
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Adelstein, Howie, Jerstad, Maher, Merchant, Nelson, Peterson, Fryslie, Hansen (Tom)

SB 172: provide for the assessment of certain agricultural land as noncropland.

Presented by: Senator Jim Peterson (Handout: 1)  
Proponents: Kevin Kouba, Otter Tail Power Company  
Pamela Bonrud, Northwestern Energy

MOTION: AMEND SB 172

172fa

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That § 10-35-1.7 be amended to read as follows:

10-35-1.7. Terms as used in §§ 10-35-1.7 to 10-35-1.10, inclusive, mean:

- (1) "Coal-fired power plant," any person, corporation, limited liability company, association, company, partnership, political subdivision, municipality, rural electric cooperative, consumers power district, or any group or combination acting as a unit, owning or holding under lease, or otherwise, real property used, or intended for use, for the conversion of coal into electric power;
- (2) "Environmental upgrade," an investment in an existing coal-fired power plant of more than ten million dollars in real or personal property that is designed to ~~reduce the plant's emission of an air pollutant to the level imposed as an emission standard at a comparable coal-fired power plant permitted under best available control technology requirements within five years preceding the application for exemption~~ facilitate environmental improvements, including any requirements under the Clean Air Act, the Clean Water Act, or any other federal law or rule, or any state law or rule implementing a federal law or rule, or any voluntary environmental measures designed to protect the environment."

Moved by: Jerstad  
Second by: Merchant  
Action: Prevailed by voice vote.

MOTION: DEFER SB 172 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Adelstein  
Second by: Howie  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS SB 172 AS AMENDED

Moved by: Maher  
Second by: Merchant  
Action: Prevailed by roll call vote. (7-2-0-0)

Voting Yes: Jerstad, Maher, Merchant, Nelson, Peterson, Fryslie, Hansen (Tom)

Voting No: Adelstein, Howie

MOTION: AMEND TITLE OF SB 172

172fta

On page 1, line 1, of the printed bill, delete everything after "to" and insert "revise the definition for environmental upgrades used to provide a property tax exemption for coal-fired power plants.".

On page 1, delete line 2.

Moved by: Fryslie  
Second by: Merchant  
Action: Prevailed by voice vote.

HB 1032: revise certain provisions regarding the reporting period for the collection of the use tax.

Presented by: Andrew Fergel, Department of Revenue & Regulation

MOTION: DO PASS HB 1032

Moved by: Jerstad  
Second by: Merchant  
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Adelstein, Howie, Jerstad, Maher, Merchant, Nelson, Peterson, Fryslie, Hansen

(Tom)

MOTION: PLACE HB 1032 ON CONSENT CALENDAR

Moved by: Jerstad  
Second by: Merchant  
Action: Prevailed by voice vote.

HB 1039: revise certain provisions regarding the use of an exemption certificate for tax purposes.

Presented by: Jan Talley, Department of Revenue and Regulation

MOTION: DO PASS HB 1039

Moved by: Fryslie  
Second by: Merchant  
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Adelstein, Howie, Jerstad, Maher, Merchant, Nelson, Peterson, Fryslie, Hansen  
(Tom)

MOTION: PLACE HB 1039 ON CONSENT CALENDAR

Moved by: Merchant  
Second by: Jerstad  
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Jerstad  
Second by: Merchant  
Action: Prevailed by voice vote.

Lois Henry  
Committee Secretary

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Tom Hansen, Chair

85<sup>th</sup> Legislative Session – 2010

Committee: Senate Transportation

Wednesday, February 10, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

P Fryslie  
P Hanson (Gary)  
P Howie  
P Kloucek  
P Maher  
P Schmidt, Vice-Chair  
P Vehle, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Mike Vehle, Chair.

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 3, 2010

Moved by: Hanson (Gary)  
Second by: Schmidt  
Action: Prevailed by voice vote.

MOTION: CONFIRM REAPPOINTMENT OF GEORGE NIKOLAS OF BROWN COUNTY, ABERDEEN, SOUTH DAKOTA, TO THE SOUTH DAKOTA RAILROAD AUTHORITY

Moved by: Kloucek  
Second by: Fryslie  
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Fryslie, Hanson (Gary), Howie, Kloucek, Schmidt, Vehle

Excused: Maher

MOTION: CONFIRM REAPPOINTMENT OF WARREN LOTSBERG OF BEADLE COUNTY, HURON, SOUTH DAKOTA, TO THE SOUTH DAKOTA RAILROAD



AUTHORITY

Moved by: Fryslie  
Second by: Hanson (Gary)  
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Fryslie, Hanson (Gary), Howie, Maher, Schmidt, Vehle

Voting No: Kloucek

SB 70: provide certain restrictions regarding the passing of a bicycle.

Presented by: Senator Sandy Jerstad  
Proponents: Doug Haugan, self, Pierre  
Tom Lee, self, Pierre  
Caitlin Collier, SD Bicycle Coalition, Inc.  
Jim Books, self, Rapid City ( handout #1)  
Rick Hanson, self, Sioux Falls  
Tony Anderson, self, Sioux Falls

MOTION: DO PASS SB 70

Moved by: Fryslie  
Second by: Maher  
Action: Failed by roll call vote. (3-4-0-0)

Voting Yes: Fryslie, Hanson (Gary), Maher

Voting No: Howie, Kloucek, Schmidt, Vehle

MOTION: DEFER SB 70 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Howie  
Second by: Schmidt  
Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Howie, Kloucek, Schmidt, Vehle

Voting No: Fryslie, Hanson (Gary), Maher

SB 87: require evidence of financial responsibility at the time of certain vehicle registrations.

Presented by: Senator Craig Tieszen

Opponents: Eric Erickson, SD Association of County Officials

Responded to committee questions: Debra Hillmer, Division of Motor Vehicles

MOTION: DEFER SB 87 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Howie

Second by: Schmidt

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Fryslie, Hanson (Gary), Howie, Kloucek, Maher, Schmidt, Vehle

SB 98: revise certain provisions regarding the yielding of the right-of-way to pedestrians making a crossing of a highway.

Presented by: Senator Craig Tieszen

Proponents: Craig Matson, State Farm Insurance

MOTION: DO PASS SB 98

Moved by: Hanson (Gary)

Second by: Fryslie

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Fryslie, Hanson (Gary), Howie, Kloucek, Maher, Schmidt, Vehle

MOTION: PLACE SB 98 ON CONSENT CALENDAR

Moved by: Kloucek

Second by: Howie

Action: Failed by voice vote.

THE CHAIR DEFERRED SB 130 UNTIL FRIDAY, FEBRUARY 12, 2010

The gavel was passed to Senator Dennis Schmidt, Vice-Chair.

SB 131: revise certain provisions concerning when motor vehicles are required to have lighted front and rear lamps.

Presented by: Senator Mike Vehle ( handout #2)

Proponents: Bob Miller, Dakota Transit Association

MOTION: DO PASS SB 131

Moved by: Maher

Second by: Fryslie

Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Fryslie, Hanson (Gary), Howie, Maher, Schmidt, Vehle

Voting No: Kloucek

The gavel was returned to Senator Mike Vehle, Chair.

HB 1007: repeal, update, and make form and style revisions to certain statutes related to the Aeronautics Commission.

Presented by: Representative Shantel Krebs

MOTION: DO PASS HB 1007

Moved by: Kloucek

Second by: Maher

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Fryslie, Hanson (Gary), Howie, Kloucek, Maher, Schmidt, Vehle

MOTION: PLACE HB 1007 ON CONSENT CALENDAR

Moved by: Kloucek

Second by: Hanson (Gary)

Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Kloucek

Second by: Fryslie

Action: Prevailed by voice vote.

Rena Ortbahn  
Committee Secretary

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Mike Vehle, Chair